



*TM* 2164

Attorney Docket No.: 3660P064

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: )  
Jennifer Kellam, et al. )  
Application No.: 10/043,357 )  
Filed: January 9, 2002 )  
For: METHOD OF BIDDING TO DRIVE )  
COMPETITION IN AN AUCTION )

)  
Examiner:  
Art Unit: 2164

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450

on December 8, 2005  
Christopher P. Marshall Date of Deposit  
CP Marshall Name of Person Mailing Correspondence  
CP Marshall Signature 12/8/2005 Date

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CHANGE OF CORRESPONDENCE ADDRESS,  
POWER OF ATTORNEY, AND REVOCATION OF PREVIOUS POWERS

Please direct all future correspondence regarding the above-referenced patent application to Lester J. Vincent, Reg. No. 31,460, Blakely, Sokoloff, Taylor, & Zafman LLP, 12400 Wilshire Boulevard, Seventh Floor, Los Angeles, California 90025, and direct all telephone calls to the same at (408) 720-8300.

Ariba, Inc.

(Name of Assignee)

("assignee"), a company organized under the laws of Delaware, having a place of

business at 807 11th Avenue, Sunnyvale, CA 94089, USA,

(Address)

hereby states that to the best of assignee's knowledge and belief it is the assignee of the entire right, title, and interest in and to the above-referenced patent and represents that the undersigned is a representative authorized and empowered to sign on behalf of the assignee.

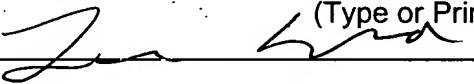
Upon information and belief, the following assignment documents evidence the placement of title in the assignee:

- (1) an assignment recorded at reel 012812 and frame 0558 at the U.S. Patent and Trademark Office; and

(2) an Agreement of Merger dated July 2, 2004 (a photocopy of which is attached hereto), a photocopy of which was mailed to the U.S. Patent and Trademark Office on August 23, 2005.

Pursuant to 37 C.F.R. §§ 1.36 and 3.71, the assignee hereby revokes all powers of attorney previously given and appoints the practitioners associated with **Customer Number 08791** as the assignee's respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Pursuant to 37 C.F.R. § 3.71, the assignee hereby states that prosecution of the above-referenced patent application is to be conducted to the exclusion of the inventor(s).

Assignee of Interest: Ariba, Inc.  
Dated: 11/14/05 By:  (Type or Print)  
Name: Landon Edmond  
(Type or Print)  
Title: Senior Counsel  
(Type or Print)

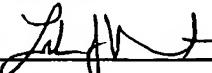
Address of Assignee of Interest:

807 11th Avenue

Sunnyvale, CA 94089, USA

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 8, 2005 By:   
Name: Lester J. Vincent  
(Type)  
Reg. No.: 31,460

12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300



**Recordation Form Cover Sheet  
PATENTS ONLY**

Attorney Docket No.: 3660P064

To the Director of the United States Patent and Trademark Office. Please record the attached original documents or copy thereof.

<p>1. Name of conveying party(ies): <b>Freemarkets, Inc. (a Delaware Corporation)</b></p> <p>Additional name(s) of conveying party(ies) attached?  <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes</p>	<p>2. Name and address of receiving party(ies):  <b>Name: Ariba, Inc. (a Delaware Corporation)</b></p> <p>Internal Address: _____</p> <p>Street Address: <b>807 11th Avenue, Building 3, 2<sup>nd</sup> Floor</b></p> <p>City: <b>Sunnyvale</b> State/Provence: <b>California</b> Zip: <b>94089</b></p> <p>Country: <b>U.S.A.</b></p> <p>Additional name(s) &amp; address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>						
<p>3. Nature of Conveyance</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Assignment</td> <td style="width: 50%; text-align: center;"><input checked="" type="checkbox"/> Merger</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Security Agreement</td> <td style="text-align: center;"><input type="checkbox"/> Change of Name</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> Other:</td> <td></td> </tr> </table> <p>Execution Date(s): <b>07.02.2004</b></p>		<input type="checkbox"/> Assignment	<input checked="" type="checkbox"/> Merger	<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name	<input type="checkbox"/> Other:	
<input type="checkbox"/> Assignment	<input checked="" type="checkbox"/> Merger						
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name						
<input type="checkbox"/> Other:							
<p>4. Application number(s) or patent number(s): : If this document is being filed together with a new application, the execution date of the application is: _____</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><b>A. Patent Application No.(s): 10/043,357</b></td> <td style="width: 50%; text-align: center;"><b>B. Patent No.(s):</b></td> </tr> </table> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>		<b>A. Patent Application No.(s): 10/043,357</b>	<b>B. Patent No.(s):</b>				
<b>A. Patent Application No.(s): 10/043,357</b>	<b>B. Patent No.(s):</b>						
<p>5. Name and address of party to whom correspondence concerning document should be mailed: <b>Lester J. Vincent, Reg. No. 31,460</b></p> <p>Name: <b>Blakely, Sokoloff, Taylor &amp; Zafman LLP</b></p> <p>Internal Address: _____</p> <p>Street Address: <b>12400 Wilshire Boulevard, 7<sup>th</sup> Floor Los Angeles, California 90025</b></p>							
<p>6. Total number of applications and patents involved: <b>1</b></p> <p>7. Total Fee (37 CFR 3.41).....\$ <b>40.00</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;"><input checked="" type="checkbox"/> Enclosed</td> <td style="width: 50%; text-align: center;"><input type="checkbox"/> Authorized to be charged to deposit account</td> </tr> </table> <p>8. Deposit Account Number:</p> <p style="text-align: center;"><b>02-2666</b></p> <p>(Attach duplicate copy of this page if paying by deposit account)</p>		<input checked="" type="checkbox"/> Enclosed	<input type="checkbox"/> Authorized to be charged to deposit account				
<input checked="" type="checkbox"/> Enclosed	<input type="checkbox"/> Authorized to be charged to deposit account						

DO NOT USE THIS SPACE

9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Lester J. Vincent, Reg. No. 31,460  
Name of Person Signing

  
Signature

August 23, 2005  
Date

Total number of pages including cover sheet, attachments, and documents: **5**

Mail documents to be recorded with required cover sheet information to:

Mail Stop Assignment Recordation Services

Director of the United States Patent and Trademark Office

P.O. Box 1450

Alexandria, Virginia 22313-1450

# Delaware

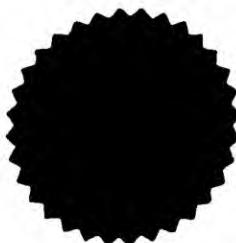
PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF MERGER, WHICH MERGES:

"FREEMARKETS, INC.", A DELAWARE CORPORATION,  
WITH AND INTO "ARIBA, INC." UNDER THE NAME OF "ARIBA, INC.",  
A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE  
OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE SECOND DAY  
OF JULY, A.D. 2004, AT 5:32 O'CLOCK P.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE  
NEW CASTLE AND KENT COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 3213201

2663662 8100M

040492667

DATE: 07-02-04

CERTIFICATE OF MERGER

State of Delaware  
Secretary of State  
Division of Corporations  
Delivered 05:32 PM 07/02/2004  
FILED 05:32 PM 07/02/2004  
SRV 040482667 - 2663662 FILE

OF  
FREEMARKETS, INC.  
WITH AND INTO  
ARIBA, INC.

**PURSUANT TO SECTION 251(c) OF THE GENERAL  
CORPORATION LAW OF THE STATE OF DELAWARE**

Ariba, Inc., a corporation duly organized and existing under and by virtue of the General Corporation Law of the State of Delaware ("Ariba"), does hereby certify:

**FIRST:** That the name and state of incorporation of each of the constituent corporations of the merger is as follows:

Name	State of Incorporation
Ariba, Inc.	Delaware
FreeMarkets, Inc.	Delaware

**SECOND:** That the Agreement and Plan of Merger and Reorganization (the "Merger Agreement") dated as of January 23, 2004, by and among Ariba, Fleet Merger Corporation, a Delaware corporation and wholly owned subsidiary of Ariba ("Merger Sub") and FreeMarkets, Inc., a Delaware corporation ("FreeMarkets"), setting forth the terms and conditions for the merger of FreeMarkets with and into Ariba (the "Merger"), has been approved, adopted, certified, executed and acknowledged by each of the constituent corporations in accordance with the requirements of subsection (c) of Section 251 of the General Corporation Law of the State of Delaware.

**THIRD:** That the name of the surviving Delaware corporation (the "Surviving Corporation") of the Merger shall be Ariba, Inc.

**FOURTH:** That the Certificate of Incorporation of Ariba as in effect immediately prior to the Merger shall be the Certificate of Incorporation of the Surviving Corporation.

**FIFTH:** That the executed Merger Agreement is on file at the principal place of business of the Surviving Corporation located at 807 11<sup>th</sup> Avenue, Sunnyvale, California 94089.

**SIXTH:** That a copy of the Merger Agreement will be furnished by the Surviving Corporation, on request and without cost, to any stockholder of any constituent corporation.

SEVENTH: That the Merger shall become effective upon the filing of this Certificate of Merger with the Secretary of State of the State of Delaware.

*[Remainder of page intentionally left blank]*

**IN WITNESS WHEREOF**, Ariba, Inc. has caused this Certificate of Merger to be executed in its corporate name on the 2<sup>nd</sup> day of July, 2004.

**ARIBA, INC.**

By: /s/ James W. Frankola

James W. Frankola  
Executive Vice President and Chief  
Financial Officer

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** 0.00

Complete if Known:

Application No. 10/043,357  
Filing Date January 9, 2002  
First Named Inventor Jennifer Kellam  
Examiner Name \_\_\_\_\_  
Art Unit 2164  
Attorney Docket No. 3660P064

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify)

**Deposit Account**Deposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

Charge fee(s) indicated below except for the filing fee

Credit any overpayments.

Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form.  
Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Large Entity	Small Entity	Fee Description	Fees Paid (\$)		
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)		
1011	300	2011	150	Utility application filing fee	1,000/500
1111	500	2111	250	Utility search fee	
1311	200	2311	100	Utility examination fee	
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	430/215
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	660/330
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	1,400/700
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	

SUBTOTAL (1) \$ 0.00

## 2. EXCESS CLAIM FEES

	<u>Extra Claims</u>	<u>Fee from below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b> _____	<b>- 20 or HP =</b> _____	X _____	= _____
HP = highest number of total claims paid for, if greater than 20			
<b>Independent Claims</b> _____	<b>- 3 or HP =</b> _____	X _____	= _____
HP = highest number of independent claims paid for, if greater than 3			
<b>Multiple Dependent Claims</b>		_____	= _____

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
_____	— 100 = _____	/ 50 = _____ (round up to whole number)	X _____	_____

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description:</u> Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1081	250	2081	125	Utility
1082	250	2082	125	Design
1083	250	2083	125	Plant
1084	250	2084	125	Reissue

**SUBTOTAL (3) \$ 0.00**

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee Code	Fee	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1813	8,800	1813	8,800 Request for inter parties reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1,020	2253	510 Extension for reply within third month
1254	1,590	2254	795 Extension for reply within fourth month
1255	2,160	2255	1,080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1,000	2403	500 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	500	2452	250 Petition to revive - unavoidable
1453	1,500	2453	750 Petition to revive - unintentional
1501	1,400	2501	700 Utility issue fee (or reissue)
1502	800	2502	400 Design issue fee
1503	1100	2503	550 Plant issue fee
1462	400	1462	400 Petitions to the Commissioner (CFR 1.17(f) Group I)
1463	200	1463	200 Petitions to the Commissioner (CFR 1.17(g) Group II)
1464	130	1464	130 Petitions to the Commissioner (CFR 1.17(h) Group III)
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	790	2809	395 For filing a submission after final rejection (see 37 CFR 1.129(a))
1814	130	2814	65 Statutory Disclaimer
1810	790	2810	395 For each additional invention to be examined (see 37 CFR 1.129(b))
1801	790	2801	395 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
1504	300	1504	300 Publication fee for early, voluntary, or normal pub.
1505	300	1505	300 Publication fee for republication
1803	130	1803	130 Request for voluntary publication or republication
1808	130	1808	130 Processing fee under 37 CFR 1.17(i) (except provisionals)
1454	1,370	1454	1,370 Acceptance of unintentionally delayed claim for priority

Other fee (specify) \_\_\_\_\_

Other fee (specify) \_\_\_\_\_

**SUBTOTAL (4) \$ 0.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Lester J. VincentSignature: Lester J. VincentDate: December 8, 2005Reg. Number: 31,460Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450